

Transcription of December 27, 2007

Town of Ulster Special Meeting

Supervisor Woerner: Pledge of Allegiance Ladies and Gentlemen. (Attendees recite Pledge.)

Supervisor Woerner: Mr. Clerk, may I have the roll call please.

Clerk Cosenza: Councilman Artist?

Councilman Artist: Here.

Clerk Cosenza: Councilman David Brink?

Councilman David Brink: Here.

Clerk Cosenza: Councilman Joe Brink?

Councilman Joe Brink: Here.

Clerk Cosenza: Councilman Secreto?

Councilman Secreto: Here.

Clerk Cosenza: Supervisor Woerner?

Supervisor Woerner: Here.

Supervisor Woerner: Good evening Ladies and Gentlemen. Welcome to our December 27th, hopefully the last meeting of the Town Board for 2007 and hopefully Councilman Artist's last meeting for a little while until he gets a breather from all this. Just before we start off, we will have public comment in a moment, but it is my understanding from a request from Councilman Secreto, Councilman Artist and both Councilmen Brinks that the first item authorizing the Payment in Lieu of Taxes agreement for The Birches at Chambers Affordable Senior Housing Project Phase Two is pulled from the agenda tonight pending some further review from the Town's attorney. However, the other items will remain on there and, if you notice, we did have originally scheduled the Oxygen Day Spa on the agenda but Mr. Yowola again failed to set up an appointment, he's been busy. I believe the Town Attorney has finally made an appointment with his attorney and I think we're meeting with him next week so it will most likely be back on our agenda for January 3rd. If not, it will then be back on January 17th. That being said I'll open up the floor to public comment. Please keep your comments limited to three minutes. Please state your

name and address for the record and, as always, I will allow Mr. Barton the opportunity to go first if he would like to do so this evening. I see your hand Ms. Wise, you can just hold on a moment after Mr. Barton's done. Go ahead Sir. Just for everyone's knowledge too we straightened out the issue with the Ulster Sewer rates with Mr. Barton and we came to a resolution on that.

Robert Barton: I made a mistake.

Supervisor Woerner: Not a problem Mr. Barton. Go right ahead Sir.

Robert Barton: And I'll try harder not to do that again.

Supervisor Woerner: Okay Sir.

Robert Barton: I'll check with you before I say. (chuckles) And then you can straighten me out. I have a question about this PILOT, for The Birches Associates, LLC Phase One Project of the Chambers Senior Housing. My understanding is when a PILOT program was initially approved in past that was good for a certain period of time. Has that changed? The PILOT program...

Supervisor Woerner: I think your question is "was there a period of time set up for the PILOT?" Yes there was, however the owner of the project has come in with a request to the Town Board to see if they could amend that PILOT due to various circumstances.

Robert Barton: Is that information that has been done available to the public?

Supervisor Woerner: Is which information, Mr. Barton?

Robert Barton: About his request.

Supervisor Woerner: It was on the agenda for discussion tonight.

Robert Barton: Is this going to be a -- it's under resolution so it's...

Supervisor Woerner: Mr. Barton. Mr. Barton. It's on for discussion tonight. The Board has the ability to act on it if they so choose, that's their decision.

Robert Barton: Well I'm asking for some information. I don't think that once a PILOT program is initiated that it can be changed in the middle of it's initial period of time.

Supervisor Woerner: Well we have two attorneys here tonight that represent the Town and I would probably venture to say that both of them would opine that if a person wanted to amend an agreement with a Board, they could do so.

Robert Barton: Well I'm recommending that the Board doesn't because I have no information about what the property valuation, true valuation, of what it's assessed for, the workings of it and how much they want it reduced by. I'm a taxpayer in the Town. My property is full value. I don't get a tax break on anything. I don't get anything called a PILOT program for my property. And when somebody else's taxes is lowered, that amount is shared among everybody else.

Supervisor Woerner: Mr. Barton. Mr. Barton. Excuse me. Ms. Metzger, Mr. Barton is speaking, please allow him the opportunity everyone is given when they go to the podium. Go ahead Mr. Barton, I'm sorry.

Robert Barton: Because when you have this it means that someone takes, reduces the taxes through a PILOT program, that means that they aren't paying the tax that they would normally be paying so every other taxpayers in the municipality have to pick up the difference. So it seems that it isn't quite fair and especially after it was already negotiated and has already been passed that it should not be – and I'm only speaking not legal matters, it's plain logic that it shouldn't be reopened to be reduced. Thank you.

Supervisor Woerner: Thank you Mr. Barton. Ms. Wise, you had your hand up after Mr. Barton.

Barbara Wise: Barbara Wise, Town of Ulster. It's just real simple. I know you pulled the Phase Two from the agenda. Before you do have a discussion on it will the PILOT be available for those of us who would like to read it so we can ask...

Supervisor Woerner: As I understand there are copies available of what the Board was discussing.

Barbara Wise: Okay because Jason said there wasn't any copies of it.

Supervisor Woerner: The Town Attorney has copies with her if you'd like one.

Barbara Wise: Okay. Thank you.

Supervisor Woerner: No problem Ms. Wise. Anyone else this evening on the agenda? Mr. Kropf if you're going to speak...no? Mr. Burnett. Yes Sir.

Peter Burnett: How are you doing? Peter Burnett, Stoll Court resident. I just want to read something. *"Kingston: A local housing developer says he'll flip the bill for 200 senior citizens to attend a New Year's Eve party that the City cancelled for a lack of funding. Steve Aaron, who has built senior citizens' apartment complexes in the area has said that he'll put up the \$3,000 for the event which will run from 7 pm to midnight on December 31st at the Hillside Manor on Route 32 in Kingston. That will cover the \$15 cost for the first 200 people who will sign up. Anyone else who wants to attend will have to pay*

the \$15 out-of-pocket. The \$15 per person will cover the cost of food for party goers. Alcoholic drinks will be available at the cashier bar. Aaron said he decided to pay for the party after reading the City would not hold it's annual New Year's Eve bash for senior citizens at the Mid-town Neighborhood Center on Broadway because the event had become too expensive. 'I have made a commitment to buy the first 200 tickets and am happy to do it,' Aaron said on Friday. 'It will be a fun filled event for them.' Mayor James Sottile was pleased to hear, to learn of Aaron's offer. We are able to have the party for seniors because it will be hosted by private businesses as it should be. Sottile said the City will kick in \$350 for a disc jockey and will provide free bus transportation to and from the party for people who live in senior citizens' housing operated by the Kingston Housing Authority. Sottile said the City cancelled the party planned for Mid-town Neighborhood Center because the event had become too expensive to put on. No sponsorship could be found and attendance had dwindled in recent years. Kevin Gillfeather, Superintendent of the City's Department of Parks and Recreation, which runs the Mid-town Center, said last year's party drew 350 people but 200 of them were from outside Kingston. 'In it's peak years the party had attracted about 600 people,' Gillfeather said. The cost of last year's party was about \$25,000, about \$14,000 of which was covered by corporate donations, including one large one. Another \$3,000 was recovered through the cost of admission, leaving City taxpayers on the hook for \$8,000. For the past several years, City seniors have been charged \$5 a piece to attend the party while seniors coming from other communities have paid \$10 each." My comment now on the last minute afternoon released agenda for the very next Town of Ulster Board meeting, a special meeting called during the holiday weeks, no less. Steve Aaron's Birches Associates request a deduction to the Chambers Phase One Payment in Lieu of Taxes Agreement, PILOT. I just read where Mayor Sottile was quoted as saying "we are able to have the party for seniors because it will be hosted by a private business as it should be." However, it is very clear that Steve Aaron wants the Town of Ulster residents to host this party, at least his share, as it should not be. In fact, using these numbers it cost more than \$70 per attendee last year. And even Aaron paying \$15 for the first \$200, for the first 200 attendees, still leaves \$55 per attendee to be paid from where? This again wrecks, this reaks of political favoritism and buying the votes of our seniors. Thank you.

Supervisor Woerner: Peter, could we have a copy of that just so the man can enter it in properly. I don't know if the Clerk was able to get all of that. That article was from December 22nd in the Daily Freeman, just to reference the article to the right paper. Anyone else on the agenda this evening? Yes sir?

John Boyd: I'm John Boyd, also a resident of Stoll Court. First off, I think if there's going to be a proposal for a reduction in the PILOT, that should be available for us to read ahead of time so that we can comment intelligently. Secondly, I agree with what was said before that it's most unfair to senior taxpayers and all taxpayers to reduce the taxes on, for one man, one business, as opposed to, that will have to be picked up by the rest of us. I would like to know two things. One is what percent of the assessed value will the reduced PILOT cover? And, secondly, how will it be adjusted as our taxes are increased year by

year? Will it be by the same or a greater percentage? Thank you.

Supervisor Woerner: Thank you Mr. Boyd. Anyone else this evening? Mr. Berardi. Mr. Kropf you can be next sir.

Michael Berardi: Good evening everyone. Mr. Supervisor, and this just may be a typo on the request for the reduction. It mentions 'PILOTS' as plural.

Supervisor Woerner: That's a typo.

Michael Berardi: That's a typo? It's only just one there then?

Supervisor Woerner: That is correct.

Michael Berardi: And , will, I had asked you, and then through yourself we went to Elena for a clarification on the relationship between the PILOT for Phase One and the suggested PILOT for Phase Two and Elena had said that one would not supercede the other. I had said, "Would the..."

Supervisor Woerner: If the PILOT were enacted for Phase Two would it supercede Phase One?

Michael Berardi: They would be, you could have two separate ones and that would be okay.

Supervisor Woerner: I believe..

Michael Berardi: Even though they're the same project then? If one is Phase One under definition, would Phase One and Phase Two essentially be the same project so what you would do for one you would have to do for the other?

Unidentified Woman: That's a good point. We don't, we are not taking the position of which Phase One would not supercede the other but with regards to it being the same project is one of the issues the Board is looking at.

Michael Berardi: Okay. Because the same sort of services are going to be provided, right Mr. Supervisor?

Supervisor Woerner: Most definitely. The Town doesn't intend on cutting any services to the project.

Michael Berardi: No, I don't mean that. I mean to the seniors, the intent.

Supervisor Woerner: The project itself is the same type of housing.

Michael Berardi: The same type of housing?

Supervisor Woerner: Yes sir.

Michael Berardi: Okay.

Supervisor Woerner: We went through this, the Town was sued on that. We went through this.

Michael Berardi: Okay. Thank you very much.

Supervisor Woerner: No problem Mr. Berardi. Mr. Kropf.

Brett Kropf: The tabling of the PILOT Phase Two, there's no date been assigned to that, correct?

Supervisor Woerner: No sir.

Brett Kropf: No date been assigned to that. Okay. Related to the other reading. Just this past Saturday's, this 22nd Daily Freeman reported "Developer Rescues New Year's Eve Party". Article states, *"A local housing developer says he'll foot the bill for 200 senior citizens to attend the New Year's Eve party that the City cancelled for lack of funding."* I quote, and certainly not the whole article, *"The cost of last year's party was \$25,000, \$14,000 of which was covered by corporate donations, another \$3,000 was covered by cost of admission leaving City taxpayers on the hook for about \$8,000. Steve Aaron who has built senior citizens' apartment complexes in the area said he'll put up \$3,000 for the event. Steve Aaron was quoted on Friday, 'I have made a commitment to buy the first 200 tickets and I'm happy to do it.'"* Now to bring it home. Our Town Board agenda states, "Items for the agenda must be submitted before noon on the previous Thursday." Well this story hadn't even occurred until the next day, Friday, which was reported on Saturday. But now today's agenda, which was only released and posted to the internet this afternoon, and with the Christmas holiday in between, now includes "Request from Birches Association, LLC regarding a reduction to the PILOT for Phase One project, Chambers Senior Housing". So why does our Supervisor's uncle Steve Aaron get such special privileges during this holiday week? Can this request not wait for the next regularly scheduled meeting following a proper submission for agenda, like most of the citizens of this Town? Oh, that's right, conflict of interest Craig Artist has only a few days left on the Town Board. Yes we understand the political favoring of the majority of this Town Board. Isn't our Supervisor the nephew of Steve Aaron? Isn't our Town Attorney and amazingly our Supervisor's personal attorney, Andrew Zweben, had a very strong business relationship with Aaron? Hasn't Councilman Artist had and or continues to have a business relationship with Aaron? Therefore, it is only fair to the taxpayers of this Town that any action regarding this request for reduction of Payment in Lieu of Taxes be delayed until at least Councilman Artist's replacement is sworn in next week. Thank you.

Supervisor Woerner: Thank you Mr. Kropf. My reply in point. Steve Aaron is not my uncle, he is married to my second cousin, so everyone is clearly aware of (clapping in background) our familial relationship. The Town was sued as to whether or not Mr. Artist's conduct was improper in voting on the Phase Two project and the very competent Supreme Court Judge, acting Supreme Court Judge Mary Work, decided and ruled that the argument made by an individual that cost the Town \$15,000 in legal fees was not only out of line but frivolous, and, furthermore, Mr. Zweben is not the Town Attorney on record for this project or any other proposal that has come before this Board from Mr. Aaron. Ms. Defeo Kean is representing us this evening on the PILOT and Ms. Mary Lou Christiana represented us on the project approval. So to state those facts and make it clear to the gentleman's statements I would ask the Clerk to enter those items into the record as well and please provide my personal attorney Mr. Zweben with a copy of the audio recording of this meeting tomorrow so that way he can begin the necessary paperwork to see if I was slandered or not this evening. (Clapping in background.) That being said, if there's no further discussion on any of the agenda items we will proceed with the meeting as scheduled. Yes sir. Mr. Fox you can hold on a moment sir.

Unidentified Man: I would like to ask possibly the Town Assessor to clarify the fact that the PILOT program, what it is going to cost the Town and what all we are getting out of it.

Supervisor Woerner: I think it would be more appropriate for the Town Attorney to do that. She is here this evening...

Unidentified Man: I don't want...

Supervisor Woerner: ...and she can consult with the Assessor if she needs to. Actually, Mr. Secreto, do you have the spreadsheet of what is currently being paid? Do you want to explain it maybe?

Councilman Secreto: For the lawyer? I don't have nothing on the lawyer's fees right now.

Supervisor Woerner: No, I believe what the gentleman is asking is what's currently being paid on the project?

Councilman Secreto: For the project on Phase One?

Supervisor Woerner: That is correct sir.

Councilman Secreto: On an average?

Supervisor Woerner: On a total and on an average per unit.

Councilman Secreto: Per unit, \$579 per year on the unit. With taxes and special districts combined comes to \$41,000 and change. Anything else?

Robert Barton: How many units were there?

Supervisor Woerner: There's 72, Mr. Barton. And they're all still there? I see some of those folks who have lived in those units are here this evening. Yes sir?

John Boyd: Back to my first question. What percent of the assessed value does that represent? To me five or six hundred dollars for a school tax, property tax and a whole ball of wax sounds awfully cheap to me.

Supervisor Woerner: If I could just ask you sir, and just so I can be clear so that way I can have the right person answer your question, when you say, "what percentage of the assessed value does that represent," do mean what is the assessed value and what percentage of that assessed value is that number or – I'm just confused on the question you're asking.

John Boyd: If it was taxed at the full assessed value as the rest of the properties in the Town are.

Supervisor Woerner: Okay.

John Boyd: What would that be against this \$500 per unit?

Supervisor Woerner: Okay.

John Boyd: And what percentage is that?

Supervisor Woerner: Okay, that's a fair question to ask. My understanding is, and this is based off information that I have, and hopefully Mr. Maloney can clarify that for me. The parcel is currently assessed at \$1,799,000, I believe that's the current assessment of the project. Mr. Maloney, am I incorrect?

Assessor Maloney: Yes, that's about right.

Supervisor Woerner: Okay. And if he were to pay market rate taxes, if he were, you know, a \$1.7 million house, is that the question?

John Boyd: Yes.

Supervisor Woerner: Okay. Market rate for him would be, just excuse me for a moment while I....

Assessor Maloney: \$80,000

Supervisor Woerner: Sorry?

Assessor Maloney: Slightly under \$80,000.

Supervisor Woerner: Slightly under \$80,000? That is for school, county, town and special districts Mr. Maloney?

Assessor Maloney: A property value of \$1.7 million would be slightly under \$80,000.

Supervisor Woerner: Okay.

John Boyd: That's for all taxes?

Supervisor Woerner: That is for all taxes.

John Boyd: And he's paying what?

Supervisor Woerner: Currently he pays, and again this is based upon a percentage of the gross rents, right now he pays \$34,698.71 for the PILOT. That was for 2007.

John Boyd: So less than 50%?

Supervisor Woerner: However, I'm going to expand on that. If he were paying town taxes he would be paying much below that number to the Town itself. Because he's exempt from school and county taxes on the project. So what – all of that PILOT money comes to the Town of Ulster.

John Boyd: Who exempts him from school taxes?

Supervisor Woerner: The Town Board exempted the project in 2001 when the first PILOT agreement was negotiated by that Town Board at the time.

John Boyd: So, if he were paying normal taxes – we are not exempted from the school taxes, right Supervisor?

Supervisor Woerner: Certain individuals receive benefits under the STAR program...

John Boyd: Yes.

Supervisor Woerner: ...benefits on your age....

John Boyd: Yes.

Supervisor Woerner: We are not on a whole exempted from the school taxes, no sir.

John Boyd: So that the net compared to a normal citizen is, he's paying less than 50%. He's paying 35 over 80, which is a good deal less than 50% of what their tax bill would be for that property.

Supervisor Woerner: Of the total tax bill, yes, that's correct. Yes sir? That's a correct assessment.

John Boyd: And how much does he want it to go down by?

Supervisor Woerner: My understanding of the agreement is that he would continue to pay the special assessments at, which are approximately \$7,000 a year and he has a request to reduce the Phase One PILOT to \$100 per unit.

John Boyd: Which is a total of about \$14,000 or \$15,000?

Supervisor Woerner: Correct sir.

John Boyd: Against an \$80,000 tax bill that I and my fellow citizens have to pay?

Supervisor Woerner: Well, I think again you have to equate the project to a similar type of project.

John Boyd: Well I don't understand why you want to exclude the school taxes because in....

Supervisor Woerner: Well I don't think anyone in the project is going to school anytime soon. I think they're all done with that.

John Boyd: I don't have anyone going to school.

Supervisor Woerner: That's understood and I agree with you that the method for calculating school taxes need to be changed but that's an argument for our Assemblymen or our State Senator.

John Boyd: But it still is a tax bill that we will have to pay that Mr. Aaron is not paying because of the gratuity or graciousness and the kindness of our Town Board. I find it difficult to understand that.

Supervisor Woerner: That's the standard PILOT agreement for these types of projects. Yes sir. Thank you sir. Mrs. Daphne, are you putting your hand up? I'm sorry, I didn't see you.

Mrs. Daphne: Yes. Thank you Supervisor and Town Board members. First of all, thank you Mr. Aaron for paying so that we could go and have the senior citizens' New Year's party. It's unfortunate that people have to read other things into that. And I think if people are honest people, they probably would look at it at face value and say gee, you know, it's a nice thing to do and we appreciate it. And I'm curious to know something. I heard a rumor (clapping in background) – I heard a rumor...

Unidentified Man: Point of order.

Supervisor Woerner: Point of order sir?

Unidentified Man: We were told in the past that we could not applaud speakers and I held my applause for several speakers.

Supervisor Woerner: Sir. I'll ask that everyone hold their applause please.

Mrs. Daphne: The other thing is, I would just like to ask, I heard a rumor, and I don't believe in tit for tat necessarily, but where was everybody when Seven Greens came along? What do they pay?

Supervisor Woerner: Seven Greens currently pays special assessments and they're wholly exempt on their town, county and school taxes.

Mrs. Daphne: So how did that happen?

Supervisor Woerner: I wasn't here 30 years ago, I wasn't even on this earth so I don't know.

Mrs. Daphne: Well it looks like maybe that could be looked at. Maybe there's some money to be found there. Thank you.

Supervisor Woerner: Thank you Mrs. Daphne. Anyone else this evening? Yes, Mrs. Hotaling.

Mrs. Hotaling: Good evening. Does anyone here understand the insinuations that are being thrown supposedly at Mr. Aaron? Don't they know the kindness that he has extended to so many of us, not just seniors. As a businessman, a member of the community, etc., you've never heard about the many, many things he's done for people but I've heard several and you want to all applaud him for what he has done for us.

Supervisor Woerner: I'm going to ask that you please hold your applause but thank you Mrs. Hotaling. Mr. Williams.

Steve Williams: My name is Steve Williams, I'm with the Catskill Amu. My mom lives out at Chambers. I just want to say that we keep on hearing "He, He, He" when we need to understand that the money actually comes from the seniors in the rent that they pay so we need to take a step back at that and check that out because Mr. Aaron is doing everything he can for them being on a fixed income. So I just want to stop everyone from saying "He" and just look at the seniors because they're the ones that are actually paying the bill. Thank you.

Supervisor Woerner: Thank you sir. Anyone else this evening? Mr. Miggins.

John Miggins: John Miggins, 84 Vankiernan Highway. I just want to put it on the record that if they do approve the tax decrease on this project that I would like a personal tax decrease of the same percentage at my household. Thank you.

Supervisor Woerner: Thank you Mr. Miggins. Anyone else this evening?

Unidentified Woman: Good evening everyone. I live in Chambers Court and I love it. It's beautiful, it's comfortable and if it wasn't for the complexes that Steve Aaron is building I would probably, my husband and I would probably be in the streets because we couldn't afford to live somewhere else. So it's his low income housing which helps our seniors and that is a great thing. Thank you.

Supervisor Woerner: Thank you ma'am. Anyone else this evening? Mr. Kitchen.

Eric Kitchen: Eric Kitchen, Councilman Elect, Town of Ulster, Neighborhood Road. I'm not here to throw jabs at anybody tonight. What I do – I can see where the people are coming from. I believe a lot of these folks here tonight just got the information kind of late, they haven't had a chance to look at it and I don't believe they have a problem too much with the current PILOT. I think the problem lies with further negotiating the PILOT. I implore the Town Board to maybe wait on voting on this tonight and maybe discussing it further and holding off until the next meeting. Thank you.

Supervisor Woerner: Thank you Mr. Kitchen. Ms. Wise, we typically let everyone else go first but if you want to go ahead I'll let you.

Barbara Wise: (inaudible)

Supervisor Woerner: I think it's going to be just back and forth so if you want to go ahead and hopefully add something new to the discussion.

Barbara Wise: Something bothers me with all of this. We have all the people from

Chambers that come to these meetings that are acting like we're anti-seniors because we are looking to not renegotiate a PILOT program which I was on the Board that negotiated it. And I don't think there's anyone here that has anything against the seniors and as far as the housing project goes, I don't think there's anyone against housing projects for the seniors and I think that Chambers is a good project. The problem is when we negotiated this PILOT and I know Mr. Berardi was on the Board, I think Joe was, Bob VanKleeck...

Supervisor Woerner: And Mr. Wadnola.

Barbara Wise: Right. We weren't happy with it to start with but we were kind of forced into it, it was hurry, hurry, hurry – I can't get my funding unless I get this PILOT through and we settled on a PILOT that we agreed to. The biggest thing with this PILOT was that we got paid per unit and if the rents went up so did the amount that the Town got paid. Now my understanding is, and it could be true or it could be false, that Mr. Aaron has said that if we don't reduce the PILOT he's going to up everyone's rent and get everyone up in arms. And this is the same sort of thing we went through when I was on the Board. And it's almost like, from what I read in Esopus, and everything else, it's always hurry up because I've got to get this done and holding the Board hostage to if you don't do what I need, the project doesn't get done, the poor seniors. It's got nothing to do with the seniors. No one has anything against any of these seniors and I think it's a shame that everyone's making it us against them because that's not it.

Supervisor Woerner: Thank you Ms. Wise. Anyone else this evening? Mr. Fatum.

Francis Fatum: My name is Francis Fatum and I'm a happy rental from Chambers. I've been there since it's opened. I've been there for 3 years and I'm very happy with the contents of the place. Mr. Aaron has put himself out and nobody knows better than I do the work that that man has went through to put these projects out for senior citizens. Now we have approximately 150-200 applications waiting to get in a project with 72 apartments. That's how important that these projects are. And the reason for it is because there's a lot of people on Social Security that I know of in our park alone that has a minimum of \$700-\$800 a month coming in from Social Security. They have all they can do to pay the rent that they have to pay and have something to eat and have some afterwards. Now if we raise the rent where are they going to go? Most of them would end up in an infirmary, a nursing home, on welfare for the taxpayers that's got homes to pay for. Every time they go on welfare you've got to pay your taxes on it and stuff like that where now they're trying to do their own in the little while they've got left to live in this world. They're trying to live a happy life and that's what they're living in over there and I think that it's a good thing and a tremendous thing and the fact is, to be honest with you, I moved from a beautiful home to this place because it was new. I pay \$100 a month more rent than I did in my home. I owned my home but my expenses were \$100 less than they are in my rent over here. So the reason I moved was the fact that I had a big piece of property and my wife kept after me, "How much longer are you going to be able to take care of it, one of these days you're

not going to be able to so let's move while the moving is good." So that's why we did it. So I appreciate this man 100% and I back him 100%. Thank you.

Supervisor Woerner: Thank you Mr. Fatum. Anyone else this evening before we move on to the agenda? Mr. Fox.

Edward Fox: My name's Ed Fox, I live on Lawrenceville Street. I'd just like to ask a couple of questions about the Tax Assessor and his involvement in the initial PILOT program. Was he involved at all in the initial PILOT program?

Supervisor Woerner: My understanding is yes, sir, I wasn't the Supervisor at the time.

Edward Fox: All right, so this PILOT program that is being amended or that you're asking to amend it, is he involved in this at all because he was supposed to be, was that not the point?

Supervisor Woerner: I believe Mr. Maloney did meet with the Board members and Mr. Aaron. I believe he also spoke with the Town's attorney in regards to the matter. I don't know what his whole involvement is because I have not been involved in the project. I have not been involved with the calculating or the deciding.

Edward Fox: So has all of this happened, like, over the last few days?

Supervisor Woerner: My understanding is within the last week, yes sir.

Edward Fox: So don't you think that that's a little rushed? I mean these types of things should be....

Supervisor Woerner: It's not my opinion, it's the Board members. I'm not voting on it.

Edward Fox: So, well my point is that now in the, only in the last few days it's been posted that he's requesting to reduce it to a ridiculous amount of money which leaves us to foot the bill for the difference, the taxpayers. So basically what it comes down to is not a matter of whether the initial PILOT program was fair or not, it's that he wants to change it to an amount of money that leaves us all footing the bill and it doesn't seem like there's enough time for anyone to actually discuss it, read over the print and come up with an intelligent decision as to whether this is going to work for the entire community or not. So I'm just asking you all to take a good long look at what he's proposing and I believe that the man should be able to have a reduced amount of taxes but that the amount that he's asking for is ridiculously low and we're all going to be paying the difference for a long time, so we're all asking you basically to table this for another meeting, look over the statistics and the figures, determine whether this is fair to everyone in the community, including the

seniors, and come up with a plan that will suit everyone as opposed to just giving him what he asks for, and on a rushed basis which is what you're all talking about doing. It's a little too quick. So the Town hasn't really had time to review the statistics, the papers, the documents that he's proposing and I think that you all should take the time to actually read over everything, give it to the public, schedule another meeting and at least do the right thing for everyone because we're all concerned about our taxes raising and going up. So, I'm just asking you all to take another look at it.

Supervisor Woerner: Thank you sir.

Edward Fox: Thank you.

Supervisor Woerner: Mr. Maloney?

Assessor Maloney: Mr. Supervisor, just a point of clarification to Mr. Fox. Yes, I did back in 2000, I believe it was 2002 or 2003, negotiate the Phase One PILOT and I did not negotiate this Phase Two PILOT nor the proposed reduction. I did meet with Mr. Aaron and 2 members of the Board on Saturday for about an hour and I met with the Board this evening at 5:00. That has been the extent of my involvement.

Supervisor Woerner: Thank you Mr. Maloney. Anyone else this evening? Hearing no one else we will move on and I will turn the meeting over to Council Member Craig Artist for the first item on the agenda as I will be stepping off the Board and as the Deputy Supervisor is not here this evening, Mr. Artist is the first in alphabetical order as the Code provides to act and serve as the Temporary Supervisor Chairman of the meeting and I will let you do so and if one of you gentlemen would like to let me know when you're through with your discussions I will be in my office. Mr. (inaudible), can I see you for a minute?

Councilman Artist: All right, well everybody with that said I guess the way that we'll start is I'll have the Town Clerk read the Resolution. That way we can – he already pulled that part from the agenda so we're going to move right on to the Phase One.

Clerk Cosenza: *"Resolution of the Town Board of the Town of Ulster. Resolution authorizing an amendment to agreement for PILOT, Payment in Lieu of Taxes, PILOT between the Town and Chambers Senior Housing Limited Partnership dated March 27, 2003."* Is that right? It must be 2003.

Councilman Artist: It was done in 2003.

Clerk Cosenza: Oh, Okay. "Whereas the Chambers Senior Housing Limited Partnership (the "Company") was formed as a redevelopment company pursuant to Article 5 of the Private Housing Law of the State of New York and undertook the completed, and undertook and completed the construction of a new, of 72 unit new construction affordable

senior housing complex in the Town of Ulster (the "Project"), and whereas the Town Board of the Town of Ulster by resolution granted the Project a partial exemption from real property pursuant to Article 5 of the Private Housing Finance Law, and whereas the Company has advised the Town Board that this partial exemption is not a significant enough exemption to insure the proper operation of the Project as a financially feasible, affordable senior housing project as requested in exemption on the same terms as the exemption the Town Board has granted to a project undertaking on adjoining real property by Birches Associates, LLC, and whereas the Town Board has considered the financial implications relating to the Project and finds that it's desirable in the public's interest for the Town to grant such a modified tax exemption to encourage sufficient supply of adequate safe and affordable housing for seniors in the Town, and now therefore be it resolved that the Town Board pursuant to the private Housing Finance Law, including but not limited to Sections 125 and 577 or any other provisions of the New York State Law which vests it with the authority to do so hereby grants an exemption from Real Property taxes as follows: an exemption is granted from local municipal taxes other than assessments for local improvements of 100% of the value of the property and the Project including both the land and improvements commencing upon the effective date of the full executed amended PILOT agreement entered into between the parties as authorized by this resolution effective date, and terminating on the same date as set forth in the original PILOT agreement expiration date, and commencing upon the effective date and during each year after until the expiration date the partnership as beneficial owner shall make real estate tax payments in the annual amounts of \$100 per unit with the annual increase in an amount equal to 2% of the retail, excuse me, of the gross rental increase of the preceding year, and be it further resolved that the Supervisor is hereby authorized to effectuate the execution of such a modified and amended PILOT to effect the terms set forth herein, and be it further resolved that the Company is hereby authorized, should it elect to do so, to convey legal title of the Project to a housing development fund company formed pursuant to Article 11 of the private Housing Finance Law and terminate status as a redevelopment company, and be it further resolved that the Supervisor of the Town of Ulster is hereby authorized and directed to execute and deliver an agreement on behalf of the Town and the Supervisor and Assessor are authorized and directed to take any and all actions necessary and required in order to effectuate such tax exemption."

Councilman Artist: Thank you Jason. With that I'll open this up for discussion. Do you want to motion for it?

Unidentified Man: Point of order. I think that...

Councilman Artist: All right, clarify. Does anyone want to make a motion?

Councilman David Brink: I'll make that motion.

Councilman Artist: Is there a second?

Councilman Secreto: Second.

Councilman Artist: Motion made and seconded. Is there any discussion?

Councilman Joe Brink: I have sat here and listened to all you people, primarily to the ones who spoke are the people that live in Chambers Housing Development now and I agree with everything they said. Mr. Aaron has done a lot for the seniors and we also have a lot of seniors that don't live in Chambers and they're also trying to make ends meet. I was one of the council members that met with Mr. Aaron last Saturday. There were only 2 members so we were not in any violation of any rules and Mr. Aaron explained his position and he presented documentation as to what he was losing on a year to year per, costing him on a year to year basis and it does show what he gave us that he is having some problems. The Town is also having some problems. We, there are a lot of seniors struggling to have their houses and they're paying taxes every year. So I have to look at those people also in addition to the people in Chambers. So, what I would like to see is – Mr. Aaron came in with a blanket request of \$100 per unit, that is quite a difference from what he's paying now and I can see where he's having some difficulty but I think that was a little bit low. Now he's agreed that he will pay the full amount of the utilities such as the water, sewer, lighting so on and so forth and a 2% increase on the gross income each year. Now that's not saying it's going to happen every year. There may not be an increase for the next 5 years. We have no guarantee what that's going to be. So I am concerned that he's coming in low. Now, maybe some of you saw me sitting here looking at the Freeman, trust me it wasn't tonight's Freeman. It's the Freeman that was published on Wednesday, March 20, 2002 and the Freeman was 50 cents at that time. Point that out. But I also sat in on the negotiations as was mentioned here tonight when we came up with the 9% PILOT program. We sat here for many hours in the night to straighten that out. Well in the Freeman on that date that I gave, March 20th, Mr. Aaron was originally proposing that he pay \$14,400 taxes on that property. Now he's coming in with something quite less than that, although he says he'll pay for the services. But I think that the Board should reexamine this and not act on his proposal. I think the whole Board should sit down and talk about it and, where I'm going to is I think we should increase that amount. That is too light for the project. So they are my comments and you'll get my final decision when it comes time for us to vote.

Councilman Artist: Any other discussion?

Councilman Secreto: Well, I'd like to make a point. When we go to the market value of some comparable apartments like Lake Katrine Apartments, Sunset Gardens, Seven Greens which doesn't pay any tax over there, they pay for their water and sewer, it comes to about \$7,600, the market value of Sunset Gardens and Lake Katrine Apartments is about \$283 a year. The seniors over at Chambers are paying \$579. That was supposed to be an affordable senior housing and right now I have financial papers from Steve. He's lost about \$600,000 in the last couple of years. Now he's come directly from him. It's noted right on the bottom, these are his financial statements. We're here

to help the seniors. I don't want their rent to go up over there. I think the Town probably has to buckle down a little bit and make up the difference on probably the \$27,000. There's different departments we can go into to help out. It doesn't have to back on the taxpayer, all right. So I don't want everybody to feel that your taxes are going to go up because we're doing this. There's other ways to reduce things, all right. So I'll give my vote when it comes to, but I just wanted to give you an idea of what other places of comparability are paying out there, all right.

Councilman Artist: Yes?

Councilman David Brink: I would like to add something that Mr. Secreto said. The market rate average for the apartment complexes in the Town is \$283 per unit and the Chambers right now is \$579 per unit so there is plenty disparity there between the two surprisingly enough. And we can't afford as a community to put these projects like this, the Seven Greens, no not the Seven Greens, but the Chambers Phase One, you don't want to put it in financial jeopardy and that's what would happen if we're not reasonable with the taxes. So \$100 sounds like a pittance but when its comparable to what the market rates are and plus all the utilities, it's water, sewer, library and so forth are all added in there so they're not exempted from any of that. Plus the 2%, and any increases in rent will be required that the Town will get 2% of the gross rents so they raise the rents for a year for \$100, why then the Town would get 2% of that. So, I think it's a matter of being equitable here and I think that's what _____.

Councilman Joe Brink: As I mentioned twice here this evening about Seven Greens and all these other places not paying taxes or they're paying a low rate, I can't forget back 30 years ago that we had IBM here and a lot of things were done with very little consideration because they knew that IBM was going to take care of things. And let's face it, we all know that people who worked for IBM had no worries, the Town had no worries because they had IBM and as soon as IBM moved out, things fell apart. So I don't advocate making the rent high or difficult for the seniors, but I don't think \$100 per unit per year is a fair price and I would like to stress again there's a lot of seniors out there that are not living in Chambers Project that have to meet their taxes every year also and believe me, it's getting tougher and tougher. So that's the position, the way I'm looking at it now. Thank you.

Councilman Artist: I've got chicken scratch all over my paperwork so just let me make a couple of statements that I was thinking about. Let's take Mr. Aaron out of...

Unidentified Man: (Inaudible)

Councilman Artist: I apologize. Let's take Mr. Aaron out of the equation and let's now just call him the principle or the developer because this is not personal whatsoever, this is business. It's not the developer that's going to get hit because that developer can

not go into his pocket to regulate the difference in the money. That developer can only pass it on to the tenants which are going to be the seniors and the whole prospect of this development was affordable senior housing. When the original PILOT was negotiated, for whatever reason, Seven Greens was never looked, was never looked at as a benchmark. It was overlooked that they weren't paying anything but special districts. I wasn't here then. Why that happened I have no idea. But if you do go back and look at the \$579 per unit and then you look at your comparable market rate which is your Sunset Gardens, your Lake Katrine Apartments and any other like that and they're paying close to \$273. Mr. Aaron came in, or the developer came in, with this \$100 figure. But by the time you add in the special districts, much like the commercial properties are paying, he's well up over \$188. And if you read into the resolution we're looking for a 2% increase annual on the gross. So it's not that we're going to be giving him a big cut, or the developer a big cut, compared to the commercial rate of any other housing project that's already in this Town. My feeling is he was erroneously charged in the first PILOT and I commend him for, the developer, for coming in and having an open dialogue with this Town Board. Much like any other commercial piece of property which has the afford ability to file certiorari actions, with a PILOT you do not. So it's not that he can just go out and erroneously file suit with the Town, which again costs us tens of thousands of dollars, which we have big box stores that do that every day to us. He didn't do that. He came in and had an open conversation and a dialogue with us. And he came in with one set thing and we added to it. This Town Board added to it. So it's not that it came very, very low and it's not that it was very, very high. It's just that what was originally negotiated was erroneous and it's about time that sometimes you've got to give things back to make it right. Now other seniors and other residents have avenues to reduce their taxes. They have Enhanced STARs. They have Grievance Day. They can come in and have negotiations with the Town Assessor and Grievance Board in order to make their points across. I did not hear one person in this Town Hall stand up and say anything about the veteran's reductions that we gave or anything about the firefighter's reductions that we gave. So all I'm asking is that we do the same thing for our seniors and we have the opportunity to make a wrong right. That's just my opinion and I'll leave it at that. Is there any other discussion?

Unidentified Man: No other discussions down here.

Unidentified Man: There's one down here.

Councilman Artist: Do you want to say some final words?

Councilman Joe Brink: I'll make it short. I don't want to see any seniors hurt anywhere. I just feel that the figure that came in is low and I think the Board should sit down again and talk about it with Mr. Aaron and see if we can come to some higher agreement. Believe me, I love the seniors, I'm one myself and I'm worried about seniors as other people are. So that's the end of my comments.

Councilman Artist: Just to make a little clarification because there were some

comments made about me tonight and I'm not going to address them personally but I never backed down from anything standing up here as a Town Board member. Every topic that came in front of me I voted for. Never abstained, never ran, never hid. Sometimes you have to make tough decisions and sometimes you have to stand up for them. With that can we have a roll call vote?

Unidentified Man: Was there a motion?

Councilman Artist: Yes, there was a motion made and seconded. Made by Rocky, Councilman Secreto and second by David Brink.

Clerk Cosenza: Councilman Artist?

Councilman Artist: Yes.

Clerk Cosenza: Councilman David Brink?

Councilman David Brink: Yes.

Clerk Cosenza: Councilman Joe Brink?

Councilman Joe Brink: No.

Clerk Cosenza: Councilman Secreto?

Councilman Secreto: Yes.

Councilman Artist: Motion carried 3 to 1. With that if somebody could get the Supervisor back I would love to turn this back over to him.

Supervisor Woerner: Okay, the next item on the agenda is filling a full time position. Folks, the Board meeting is back in session. Please refrain from comment. Filling a temporary full time position at the Town of Ulster Transfer Station.

(Remainder of meeting dedicated to filling of Transfer Station position.)

James E. Quigley 3rd
7 Tall Oaks Drive
Kingston, New York 12401
Telephone (845) 331- 8243

June 13, 2008
Records Access Officer
Town of Ulster
1 Town Hall Drive
Kingston, New York 12401

Re: Freedom of Information Request

Dear Records Access Officer:

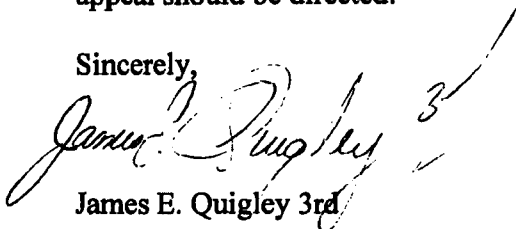
Under the provisions of the New York Freedom of Information Law, Article 6 of the Public Officers Law, I hereby request records or portions thereof pertaining to (or containing the following):

All information regarding any **Payment in Lieu of Taxes (PILOT) Agreements** between the Town of Ulster and Chambers Senior Housing Limited Partnership or any entity affiliated with Chambers Senior Housing Limited Partnership including all amendments, modifications or revisions

If the above-request appears to be overly extensive and fails to reasonably describe the records, please contact me by email at jquig3@hvc.rr.com or by phone at 212-403-3516. If there are any fees for copying the records requested in excess of \$50, please inform me before filling the request or simply supply the records without informing me of the fees if the fees are not in excess of \$50.

As you know, the Freedom of Information Law requires that an agency respond to a request within five (5) business days of receipt of a request. Therefore, I would appreciate a response as soon as possible and look forward to hearing from you shortly. If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed.

Sincerely,

A handwritten signature in cursive script, appearing to read "James E. Quigley 3rd", with a large flourish extending from the end.

James E. Quigley 3rd

James E. Quigley 3rd
7 Tall Oaks Drive
Kingston, New York 12401
Telephone (845) 331- 8243

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1 Town Hall Drive
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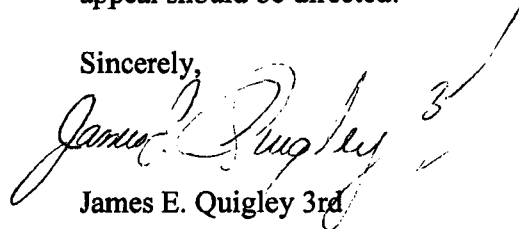
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